IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

Bail Appl..No. 2991 of 2007()

CP.213/2006 of J.M.F.C.,CHALAKUDY
.....

(C.R.NO.23/03 OF CHALAKUDY EXCISE RANGE)

PETITIONER/ACCUSED:

MUHAMMED KUTTY, S/O. HUSSAN,
MAMMASRAYILLATH, KUNDALIYOOR P.O.,
CHETTUVA, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENT: STATE :

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2991 OF 2007 D

Dated this the 25th day of May, 2007

O R D E R

Petitioner, who is the accused in C.R. No.23/03 of Chalakkudy Excise Range for an offence punishable under Sec.55(a) of the Abkari Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. No.213/06 on the file of the J.F.C.M., Chalakkudy, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

(V. RAMKUMAR, JUDGE)

aks